

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 8878 of 2007(F)

PETITIONER:

**MARYKUTTY JOSEPH,
MARATTUKULAM HOUSE, MAMOOD P.O.,
CHANGANACHERRY.**

**BY ADV. SRI.P.M.SEBASTIAN
SRI.M.R.MOUNEESH**

RESPONDENTS:

- 1. THE REGIONAL TRANSPORT OFFICER,
IDUKKI.**
- 2. THE JOINT REGIONAL TRANSPORT OFFICER,
PONKUNNAM.**
- 3. THE MOTOR VEHICLE INSPECTOR,
PONKUNNAM.**
- 4. STATE OF KERALA, REPRESENTED BY IT'S
CHIEF SECRETARY, SECRETARIATE,
THIRUVANANTHAPURAM.**

BY SR.GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.8878 of 2007-F

Dated this the 16th day of March, 2007

JUDGMENT

The petitioner is the registered owner of Stage Carriage KL-5/Q-7409, operating on the route Chambakkara-Changanacherry. She has failed to pay the tax for the quarter ending 31-12-2006. She also did not pay the tax for the quarter commencing from 1-1-2007. But the vehicle was operated upto 23-2-2007, the date on which it was seized by the Motor Vehicles Inspector. The petitioner prays that she may be permitted to pay the tax in instalments. She also prays for a direction to release the vehicle, so that she can operate it. As per the provisions of the Motor Vehicles Taxation Act, the tax has to be paid in advance. There is no provision for payment of tax in instalments. It is true that in some cases especially those concerning arrears, this Court may be granting instalment facility. The same is being done without any statutory right to the petitioner concerned. But, in this case, the petitioner is seeking instalment facility for paying the current tax payable by her. The same cannot be allowed. Accordingly, the writ petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

MS